Montana Legislative History

Chapter: 164 Session L: 2021

Bill Number: HB 304

Checklist of Bill History

History and Final Status Sheet	x
Introduced Bill	X
Fiscal Note	n/a
Third Reading Bill	X
Final Version of Bill	X

House

Committee: Local Government

Hearing Date(s):

Feb. 16, 2021

Hearing and Exe. Action

Senate

Committee: Local Government

Hearing Date(s):

March 12, 2021

March 15, 2021 (Exec, Action)

Conference Committee

Hearing Date(s): n/a

Conference Committee Report:

Compiler Notes

Compiled by: sg

Date: 10/11/24

Notes:

Summary

Sponsoredby: Garner, Frank
(R) HD 7

Progress		
Status	**Date**	**Passed**
Introduced	02/03/21	✓
Passed (H) Committee	02/17/21	✓
Passed House	02/22/21	✓
Passed (S) Committee	03/16/21	✓
Passed Senate	03/19/21	✓
To Governor	03/30/21	✓

Draft #	LC1202
Amendment(s)	No
Chapter #	164
Current Status	Chapter Number Assigned
Co-Sponsor(s)	None
Drafter	Kolman, Joe
Requester	Garner, Frank
Fiscal Note	No

Preintroduction Required	No
Category	General Bills
Subject(s)	Environmental Protection, Estates and Trusts, Property,
Transmittal Date	03/02/21
Return Date	04/20/21

Sections Affected	Effective Date	Qualifier
All Sections	10/01/2021	

Status

Date	Action	Committee	Yes Votes	No Votes
04/09/21	Chapter Number Assigned			
04/08/21	(H) Signed by Governor			
03/30/21	(H) Transmitted to Governor			
03/30/21	(S) Signed by President			
03/26/21	(H) Signed by Speaker			
03/24/21	(C) Printed - Enrolled Version Available			
03/24/21	(H) Returned from Enrolling			
03/22/21	(H) Sent to Enrolling			
03/19/21	(S) Returned to House			
03/19/21	(S) 3rd Reading Concurred		44	6
03/19/21	(S) Scheduled for 3rd Reading			
03/18/21	(S) 2nd Reading Concurred		45	5
03/18/21	(S) Scheduled for 2nd Reading			
03/16/21	(S) Committee Report--Bill Concurred	(S) Local Government		
03/15/21	(S) Committee Executive Action--Bill Concurred	(S) Local Government	10	0
03/12/21	(S) Hearing	(S) Local Government		

Date	Action	Committee	Yes Votes	No Votes
02/23/21	(S) Referred to Committee	(S) Local Government		
02/23/21	(S) First Reading			
02/22/21	(H) Transmitted to Senate			
02/22/21	(H) 3rd Reading Passed		90	10
02/22/21	(H) Scheduled for 3rd Reading			
02/19/21	(H) 2nd Reading Passed		95	5
02/19/21	(H) Scheduled for 2nd Reading			
02/17/21	(H) Committee Report--Bill Passed	(H) Local Government		
02/16/21	(H) Committee Executive Action--Bill Passed	(H) Local Government	17	0
02/16/21	(H) Hearing	(H) Local Government		
02/03/21	(H) First Reading			
02/03/21	(H) Referred to Committee	(H) Local Government		
02/03/21	(C) Introduced Bill Text Available Electronically			
02/03/21	(H) Introduced			
02/03/21	(C) Draft Delivered to Requester			
02/02/21	(C) Draft Ready for Delivery			
02/01/21	(C) Executive Director Final Review			
02/01/21	(C) Draft Ready for Delivery			
02/01/21	(C) Draft in Assembly			

Date	Action	Committee	Yes Votes	No Votes
01/30/21	(C) Executive Director Review			
01/29/21	(C) Bill Draft Text Available Electronically			
01/29/21	(C) Draft in Final Drafter Review			
01/29/21	(C) Draft in Input/Proofing			
01/29/21	(C) Draft to Drafter - Edit Review			
01/27/21	(C) Draft in Edit			
01/27/21	(C) Draft in Legal Review			
01/19/21	(C) Draft to Requester for Review			
01/19/21	(C) Draft to Requester for Review			
01/18/21	(C) Draft to Requester for Review			
01/16/21	(C) Draft to Requester for Review			
11/19/20	(C) Draft Request Received			

Showing 1 to 47 of 47 entries

Fiscal

Date	Status
No matching results found	

Fiscal Documents
No matching results found

Fiscal Rebuttals
No matching results found

Amendments

Amendment	Condensed Version
No Amendments found	

Documents And Links

Previous Versions

HB0304_X.pdf

HB0304_1.pdf

Other

None

(e) declare areas open to special license holders only and issue special licenses in a limited number when the commission determines, after proper investigation, that a special season is necessary to ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are causing damage to private property or when a written complaint of damage has been filed with the commission by the owner of that property. In determining to whom special licenses must be issued, the commission may, when more applications are received than the number of animals to be killed, award permits to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system must be determined by the commission.

(2) The commission may adopt rules governing the use of livestock and vehicles by archers during special archery seasons.

(3) Subject to the provisions of 87-5-302 and subsection (7) of this section, the commission may divide the state into fish and game districts and create fish, game, or fur-bearing animal districts throughout the state. The commission may declare a closed season for hunting, fishing, or trapping in any of those districts and later may open those districts to hunting, fishing, or trapping.

(4) The commission may declare a closed season on any species of game, fish, game birds, or fur-bearing animals threatened with undue depletion from any cause. The commission may close any area or district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited periods of time when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing animals, game birds, and nongame birds. The commission may open the area or district upon consent of a majority of the property owners affected.

(5) The commission may authorize the director to open or close any special season upon 12 hours' notice to the public.

(6) The commission may declare certain fishing waters closed to fishing except by persons under 15 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and enjoyment of juveniles under 15 years of age, at times and in areas the commission in its discretion considers advisable and consistent with its policies relating to fishing.

(7) In an area immediately adjacent to a national park, the commission may not:

(a) prohibit the hunting or trapping of wolves; or

(b) close the area to wolf hunting or trapping unless a wolf harvest quota established by the commission for that area has been met.

(8) The commission may authorize a wolf trapping season that opens the first Monday after Thanksgiving and closes March 15 of the following calendar year, except that the commission may adjust the dates for specific wolf management units based on regional recommendations."

Approved April 8, 2021

CHAPTER NO. 164

[HB 304]

AN ACT CLARIFYING THE DEFINITION OF COMMUNITY LAND TRUSTS THAT OWN LAND TO PRESERVE AFFORDABLE HOUSING; AND AMENDING SECTION 70-23-102, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 70-23-102, MCA, is amended to read:

"**70-23-102. Definitions.** In this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Association of unit owners" means all the unit owners acting as a group in accordance with the declaration and bylaws.

(2) "Borrower" means a mortgagor, grantor as defined in 71-1-303, or other debtor.

(3) "Building" means a multiple-unit building or buildings comprising a part of the property.

(4) "Common elements" means the general common elements and the limited common elements.

(5) "Common expenses" means:

(a) expenses of administration, maintenance, repair, or replacement of the common elements;

(b) expenses agreed upon as common by all the unit owners; and

(c) expenses declared common by 70-23-610 and 70-23-612 or by the declaration or the bylaws of the particular condominium.

(6) "Community land trust" means a nonprofit organization ~~exempt from taxation~~ under section 501(c)(3) of the Internal Revenue Code that holds title to land beneath individually owned ~~housing~~ units*, including but not limited to single-family homes, townhomes, condominiums, and multi-unit rental properties* for the purpose of preserving affordable housing.

(7) "Condominium" means the ownership of single units with common elements located on property submitted to the provisions of this chapter. The term does not include a townhome~~,~~ *or* a townhouse~~, a community land trust, or a housing unit located on land belonging to a community land trust~~.

(8) "Conversion" means a change in the character of residential real property from one or more parcels of land with attached condominium units to one or more parcels of land with attached townhome or townhouse units without a change to the undivided interest of the unit owners.

(9) "Declaration" means the instrument by which the property is submitted to the provisions of this chapter.

(10) "General common elements", unless otherwise provided in a declaration or by consent of all the unit owners, means:

(a) the land on which the building is located, except any portion of the land included in a unit or made a limited common element by the declaration;

(b) the foundations, columns, girders, beams, supports, mainwalls, roofs, halls, corridors, lobbies, stairs, fire escapes, entrances, and exits of the building;

(c) the basements, yards, gardens, parking areas, and outside storage spaces, private pathways, sidewalks, and private roads;

(d) installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, waste disposal, and incinerating;

(e) the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use;

(f) the premises for the lodging of janitors or caretakers of the property; and

(g) all other elements of the building necessary or convenient to its existence, maintenance, and safety or normally in common use.

(11) "Lienholder" means a person holding a security interest, including a mortgagee, beneficiary of a trust indenture, or other creditor who holds a mortgage, trust indenture, or other instrument that encumbers real property.

(12) "Limited common elements" means those common elements designated in the declaration or by agreement of all the unit owners as reserved for the use of a certain unit or number of units to the exclusion of the other units.

(13) "Majority" or "majority of the unit owners", unless otherwise provided in the declaration, means the owners of more than 50% in the aggregate of the undivided ownership interests in the general common elements as the percentage of interest in the element appertaining to each unit is expressed in the declaration. Whenever a percentage of the unit owners is specified, percentage means the percentage in the aggregate of undivided ownership.

(14) "Manager" means the manager, board of managers, or other person in charge of the administration of or managing the property.

(15) "Project" means a real estate condominium project whereby a condominium of two or more units located on property submitted to the provisions of this chapter is offered or proposed to be offered for sale.

(16) "Property" means the land, all buildings, improvements, and structures on the land, and all easements, rights, and appurtenances belonging to the land that are submitted to the provisions of this chapter.

(17) "Recording officer" means the county officer charged with the duty of filing and recording deeds and mortgages or other instruments or documents affecting the title to real property.

(18) "Townhome" or "townhouse" means property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.

(19) "Unit" means a part of the property including one or more rooms occupying one or more floors or a part or parts of the property intended for any type of independent use and with a direct exit to a public street or highway or to a common area or area leading to a public street or highway.

(20) "Unit designation" means the number, letter, or combination of numbers and letters designating a unit in the declaration.

(21) "Unit owner" means the person owning a unit in fee simple absolute individually or as co-owner in any real estate tenancy relationship recognized under the laws of this state. However, for all purposes, including the exercise of voting rights, provided by lease filed with the presiding officer of the association of unit owners, a lessee of a unit must be considered a unit owner."

Approved April 8, 2021

CHAPTER NO. 165

[HB 309]

AN ACT GENERALLY REVISING LAWS RELATED TO ABANDONED VEHICLES; AUTHORIZING A TRIBAL LAW ENFORCEMENT AGENCY TO TAKE AN ABANDONED VEHICLE INTO CUSTODY IN CERTAIN CIRCUMSTANCES; PROVIDING THAT A VEHICLE TAKEN INTO POSSESSION BY LAW ENFORCEMENT BECAUSE A DRIVER WAS ARRESTED MAY BE TREATED AS ABANDONED AFTER 60 DAYS; AND AMENDING SECTIONS 61-12-401, 61-12-402, 61-12-404, AND 61-12-405, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 61-12-401, MCA, is amended to read:

"**61-12-401. Taking vehicle into custody.** (1) The following law enforcement agencies may take into custody any vehicle found abandoned for

HOUSE BILL NO. 304

INTRODUCED BY F. GARNER, D. FERN

A BILL FOR AN ACT ENTITLED: “AN ACT CLARIFYING THE DEFINITION OF COMMUNITY LAND TRUSTS THAT OWN LAND TO PRESERVE AFFORDABLE HOUSING; AND AMENDING SECTION 70-23-102, MCA.”

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-23-102, MCA, is amended to read:

"**70-23-102. Definitions.** In this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Association of unit owners" means all the unit owners acting as a group in accordance with the declaration and bylaws.

(2) "Borrower" means a mortgagor, grantor as defined in 71-1-303, or other debtor.

(3) "Building" means a multiple-unit building or buildings comprising a part of the property.

(4) "Common elements" means the general common elements and the limited common elements.

(5) "Common expenses" means:

(a) expenses of administration, maintenance, repair, or replacement of the common elements;

(b) expenses agreed upon as common by all the unit owners; and

(c) expenses declared common by 70-23-610 and 70-23-612 or by the declaration or the bylaws of the particular condominium.

(6) "Community land trust" means a nonprofit organization ~~exempt from taxation~~ under section 501(c)(3) of the Internal Revenue Code that holds title to land beneath individually owned ~~housing~~ units, including but not limited to single-family homes, townhomes, condominiums, and multi-unit rental properties for the purpose of preserving affordable housing.

(7) "Condominium" means the ownership of single units with common elements located on property submitted to the provisions of this chapter. The term does not include a townhome~~,~~ or a townhouse~~, a community land trust, or a housing unit located on land belonging to a community land trust~~.

(8) "Conversion" means a change in the character of residential real property from one or more parcels of land with attached condominium units to one or more parcels of land with attached townhome or townhouse units without a change to the undivided interest of the unit owners.

(9) "Declaration" means the instrument by which the property is submitted to the provisions of this chapter.

(10) "General common elements", unless otherwise provided in a declaration or by consent of all the unit owners, means:

(a) the land on which the building is located, except any portion of the land included in a unit or made a limited common element by the declaration;

(b) the foundations, columns, girders, beams, supports, mainwalls, roofs, halls, corridors, lobbies, stairs, fire escapes, entrances, and exits of the building;

(c) the basements, yards, gardens, parking areas, and outside storage spaces, private pathways, sidewalks, and private roads;

(d) installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, waste disposal, and incinerating;

(e) the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use;

(f) the premises for the lodging of janitors or caretakers of the property; and

(g) all other elements of the building necessary or convenient to its existence, maintenance, and safety or normally in common use.

(11) "Lienholder" means a person holding a security interest, including a mortgagee, beneficiary of a trust indenture, or other creditor who holds a mortgage, trust indenture, or other instrument that encumbers real property.

(12) "Limited common elements" means those common elements designated in the declaration or by agreement of all the unit owners as reserved for the use of a certain unit or number of units to the exclusion of the other units.

(13) "Majority" or "majority of the unit owners", unless otherwise provided in the declaration, means the owners of more than 50% in the aggregate of the undivided ownership interests in the general common

elements as the percentage of interest in the element appertaining to each unit is expressed in the declaration. Whenever a percentage of the unit owners is specified, percentage means the percentage in the aggregate of undivided ownership.

(14) "Manager" means the manager, board of managers, or other person in charge of the administration of or managing the property.

(15) "Project" means a real estate condominium project whereby a condominium of two or more units located on property submitted to the provisions of this chapter is offered or proposed to be offered for sale.

(16) "Property" means the land, all buildings, improvements, and structures on the land, and all easements, rights, and appurtenances belonging to the land that are submitted to the provisions of this chapter.

(17) "Recording officer" means the county officer charged with the duty of filing and recording deeds and mortgages or other instruments or documents affecting the title to real property.

(18) "Townhome" or "townhouse" means property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.

(19) "Unit" means a part of the property including one or more rooms occupying one or more floors or a part or parts of the property intended for any type of independent use and with a direct exit to a public street or highway or to a common area or area leading to a public street or highway.

(20) "Unit designation" means the number, letter, or combination of numbers and letters designating a unit in the declaration.

(21) "Unit owner" means the person owning a unit in fee simple absolute individually or as co-owner in any real estate tenancy relationship recognized under the laws of this state. However, for all purposes, including the exercise of voting rights, provided by lease filed with the presiding officer of the association of unit owners, a lessee of a unit must be considered a unit owner."

- END -

AN ACT CLARIFYING THE DEFINITION OF COMMUNITY LAND TRUSTS THAT OWN LAND TO PRESERVE AFFORDABLE HOUSING; AND AMENDING SECTION 70-23-102, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-23-102, MCA, is amended to read:

"**70-23-102. Definitions.** In this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Association of unit owners" means all the unit owners acting as a group in accordance with the declaration and bylaws.

(2) "Borrower" means a mortgagor, grantor as defined in 71-1-303, or other debtor.

(3) "Building" means a multiple-unit building or buildings comprising a part of the property.

(4) "Common elements" means the general common elements and the limited common elements.

(5) "Common expenses" means:

(a) expenses of administration, maintenance, repair, or replacement of the common elements;

(b) expenses agreed upon as common by all the unit owners; and

(c) expenses declared common by 70-23-610 and 70-23-612 or by the declaration or the bylaws of the particular condominium.

(6) "Community land trust" means a nonprofit organization ~~exempt from taxation~~ under section 501(c)(3) of the Internal Revenue Code that holds title to land beneath individually owned ~~housing~~ units, including but not limited to single-family homes, townhomes, condominiums, and multi-unit rental properties for the purpose of preserving affordable housing.

(7) "Condominium" means the ownership of single units with common elements located on property submitted to the provisions of this chapter. The term does not include a townhome~~,~~ or a townhouse~~, a~~

~~community land trust, or a housing unit located on land belonging to a community land trust~~.

(8) "Conversion" means a change in the character of residential real property from one or more parcels of land with attached condominium units to one or more parcels of land with attached townhome or townhouse units without a change to the undivided interest of the unit owners.

(9) "Declaration" means the instrument by which the property is submitted to the provisions of this chapter.

(10) "General common elements", unless otherwise provided in a declaration or by consent of all the unit owners, means:

(a) the land on which the building is located, except any portion of the land included in a unit or made a limited common element by the declaration;

(b) the foundations, columns, girders, beams, supports, mainwalls, roofs, halls, corridors, lobbies, stairs, fire escapes, entrances, and exits of the building;

(c) the basements, yards, gardens, parking areas, and outside storage spaces, private pathways, sidewalks, and private roads;

(d) installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, waste disposal, and incinerating;

(e) the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use;

(f) the premises for the lodging of janitors or caretakers of the property; and

(g) all other elements of the building necessary or convenient to its existence, maintenance, and safety or normally in common use.

(11) "Lienholder" means a person holding a security interest, including a mortgagee, beneficiary of a trust indenture, or other creditor who holds a mortgage, trust indenture, or other instrument that encumbers real property.

(12) "Limited common elements" means those common elements designated in the declaration or by agreement of all the unit owners as reserved for the use of a certain unit or number of units to the exclusion of the other units.

(13) "Majority" or "majority of the unit owners", unless otherwise provided in the declaration, means the

owners of more than 50% in the aggregate of the undivided ownership interests in the general common elements as the percentage of interest in the element appertaining to each unit is expressed in the declaration. Whenever a percentage of the unit owners is specified, percentage means the percentage in the aggregate of undivided ownership.

(14) "Manager" means the manager, board of managers, or other person in charge of the administration of or managing the property.

(15) "Project" means a real estate condominium project whereby a condominium of two or more units located on property submitted to the provisions of this chapter is offered or proposed to be offered for sale.

(16) "Property" means the land, all buildings, improvements, and structures on the land, and all easements, rights, and appurtenances belonging to the land that are submitted to the provisions of this chapter.

(17) "Recording officer" means the county officer charged with the duty of filing and recording deeds and mortgages or other instruments or documents affecting the title to real property.

(18) "Townhome" or "townhouse" means property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.

(19) "Unit" means a part of the property including one or more rooms occupying one or more floors or a part or parts of the property intended for any type of independent use and with a direct exit to a public street or highway or to a common area or area leading to a public street or highway.

(20) "Unit designation" means the number, letter, or combination of numbers and letters designating a unit in the declaration.

(21) "Unit owner" means the person owning a unit in fee simple absolute individually or as co-owner in any real estate tenancy relationship recognized under the laws of this state. However, for all purposes, including the exercise of voting rights, provided by lease filed with the presiding officer of the association of unit owners, a lessee of a unit must be considered a unit owner."

- END -

I hereby certify that the within bill,

HB 304, originated in the House.

_____

Chief Clerk of the House

_____

Speaker of the House

Signed this _____day

of_____, 2021.

_____

President of the Senate

Signed this _____day

of_____, 2021.

HOUSE BILL NO. 304

INTRODUCED BY F. GARNER, D. FERN

AN ACT CLARIFYING THE DEFINITION OF COMMUNITY LAND TRUSTS THAT OWN LAND TO PRESERVE AFFORDABLE HOUSING; AND AMENDING SECTION 70-23-102, MCA.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Geraldine Custer, on February 16, 2021 at 3:00 PM, in Room 472 Capitol

ROLL CALL

Members Present:

Rep. Geraldine Custer, Chair (R)
Rep. Larry Brewster, Vice Chair (R)
Rep. Mary Ann Dunwell, Vice Chair (D)
Rep. Marta Bertoglio (R)
Rep. Dave Fern (D)
Rep. Frank Fleming (R)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Donavon Hawk (D)
Rep. Scot Kerns (R)
Rep. Kelly Kortum (D)
Rep. Mark Thane (D)
Rep. Jeremy Trebas (R)
Rep. Kathy Whitman (R)

Members Excused:

Rep. Steve Gunderson (R)
Rep. Derek J. Harvey (D)
Rep. Katie Zolnikov (R)

Members Absent: None

Staff Present:

Cristen Friede, Committee Secretary
Toni Henneman, Legislative Branch
Leigha Bradford, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 292, 2/2/2021; HB 304, 2/2/2021

15:00:00 Vice Chair Brewster assumed the chair

HEARING ON HB 304

Opening Statement by Sponsor:
15:02:06 Rep. Frank Garner (R), HD 7, opened the hearing on HB 304, Revise definition of community land trust.

Proponents' Testimony:
15:04:14 Hermina Harold, Trust Montana Incorporated
15:05:43 Rep. Zolnikov joined the meeting
15:07:03 Jacob Kuntz, Habitat for Humanity
15:09:19 Mike Nugent, Montana Association of Realtors (MAR)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:
15:11:49 Rep. Garner

HEARING ON HB 292

Opening Statement by Sponsor:
15:12:34 Rep. Geraldine Custer (R), HD 39, opened the hearing on HB 292, Revise local subdivision review regarding title insurance procedure.

Proponents' Testimony:
15:14:42 William Gowen, Montana Land Title Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:
15:17:11 Rep. Custer
15:17:37 Chair Custer resumes the chair
15:18:22 Vice Chair Dunwell

EXECUTIVE ACTION ON HB 304

15:19:35 **Motion/Vote:** Rep. Brewster moved that **HB 304 DO PASS**. Motion carried unanimously by voice vote. Rep. Gunderson and Rep. Harvey voted by proxy.

EXECUTIVE ACTION ON HB 292

15:20:50 **Motion/Vote:** Rep. Brewster moved that **HB 292 DO PASS**. Motion carried unanimously by voice vote. Rep. Gunderson and Rep. Harvey voted by proxy.

EXECUTIVE ACTION ON HB 269

15:21:32 **Motion:** Rep. Brewster moved that **HB 269 DO PASS**.

15:21:48 **Motion:** Rep. Brewster moved that **HB 269 BE AMENDED**.
EXHIBIT(loh32a01)

Discussion:

15:22:05 Rep. Trebas
15:22:35 Vice Chair Dunwell
15:23:11 Toni Henneman, Legislative Service Division (LSD)
15:24:22 Rep. Fern
15:25:04 Toni Henneman, LSD
15:26:01 Rep. Kortum
15:26:23 Toni Henneman, LSD
15:27:09 Rep. Fern
15:28:29 Toni Henneman, LSD
15:28:46 Rep. Galloway
15:30:39 Chair Custer
15:31:05 Rep. Gist
15:31:39 Chair Custer

15:32:56 Recess
15:47:31 Reconvene

15:47:50 Chair Custer

15:48:06 **Substitute Motion/Vote:** Rep. Kortum made a substitute motion that **HB 269 BE TABLED**. Substitute Motion failed 8-9 by roll call vote with Rep. Brewster, Rep. Custer, Rep. Dunwell, Rep. Fern, Rep. Harvey, Rep. Hawk, Rep. Kortum and Rep. Thane voting aye. Rep. Gunderson and Rep. Harvey voted by proxy.

15:50:27 **Vote:** Motion failed 7-10 by roll call vote with Rep. Custer, Rep. Dunwell, Rep. Fern, Rep. Harvey, Rep. Hawk, Rep. Kortum and Rep. Thane voting aye. Rep. Gunderson and Rep. Harvey voted by proxy.

15:51:49 Rep Galloway
15:52:45 Rep. Thane
15:53:52 Rep. Dunwell

15:55:28 **Vote:** Motion carried 9-8 by roll call vote with Rep. Brewster, Rep. Custer, Rep. Dunwell, Rep. Fern, Rep. Harvey, Rep. Hawk, Rep. Kortum and Rep. Thane voting no. Rep. Gunderson voted by proxy.

15:56:35 Chair Custer

ADJOURNMENT

Adjournment:
15:57:15

_____
Cristen Friede, Secretary

cf

Additional Documents:

EXHIBIT(loh32aad.pdf)

MINUTES

MONTANA SENATE
67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Terry Gauthier, on March 12, 2021 at 3:00 PM, in Room 405 Capitol

ROLL CALL

Members Present in the Committee Room:`

Sen. Ellie Boldman, Vice Chair (D)
Sen. Steve Fitzpatrick (R)
Sen. Chris Friedel (R)
Sen. Shane A. Morigeau (D)

Members Present by Zoom Video Conference:

Sen. Terry Gauthier, Chair (R)
Sen. John Esp, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Christopher Pope (D)

Members Excused:

Sen. Mark Blasdel (R)
Sen. Jason W. Ellsworth (R)

Members Absent: None

Staff Present: Izmerai Alvarado, Committee Secretary
Toni Henneman, Legislative Branch
Monte Cole, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 259, 2/27/2021; HB 292, 2/27/2021; HB 304, 2/27/2021

Executive Action: HB 49, HB 220, HB 268

EXECUTIVE ACTION ON HB 49

15:02:20 **Motion/Vote:** Sen. Fitzpatrick moved that **HB 49 BE CONCURRED IN**. Motion carried 7-0 by voice vote. Sen. Blasdel, Sen. Ellsworth and Sen. Pope were excused. Sen. Boldman will carry the bill.

EXECUTIVE ACTION ON HB 220

15:03:13 **Motion/Vote:** Sen. Fitzpatrick moved that **HB 220 BE CONCURRED IN**. Motion carried 7-0 by voice vote. Sen. Blasdel, Sen. Ellsworth and Sen. Pope were excused. Sen. Esp will carry the bill.

EXECUTIVE ACTION ON HB 268

15:03:49 **Motion:** Sen. Fitzpatrick moved that **HB 268 BE CONCURRED IN**.

Discussion:
15:04:01 Sen. Boldman

15:04:09 **Vote:** Motion carried 7-0 by voice vote. Sen. Blasdel, Sen. Ellsworth and Sen. Pope were excused. Sen. Esp will carry the bill.

15:04:29 Sen. Boldman left the meeting.

HEARING ON HB 292

Opening Statement by Sponsor:
15:05:46 Rep. Geraldine Custer (R), HD 39, opened the hearing on HB292, Revise local subdivision review regarding title insurance procedure.

Proponents' Testimony:
15:07:46 William Gowen, Montana Land Title Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:
15:09:39 Rep. Custer

HEARING ON HB 304

Opening Statement by Sponsor:
15:10:24 Rep. Frank Garner (R), HD 7, opened the hearing on HB304, Revise definition of community land trust.

Proponents' Testimony:
15:12:27 Hermina Harold, Trust Montana
15:14:39 Mike Nugent, Montana Association of Realtors
15:15:56 Kelly Lynch, Montana League of Cities and Towns

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
15:16:43 Sen. Boland
15:17:11 Rep. Garner

Closing by Sponsor:
15:17:30 Rep. Garner

HEARING ON HB 259

Opening Statement by Sponsor:
15:18:16 Rep. Sue Vinton (R), HD 56, opened the hearing on HB259, Revise property and zoning laws.

Proponents' Testimony:
15:21:40 Abigail St. Lawrence, Montana Building Industry Association
EXHIBIT(los50a01)

15:25:24 Jessie Walthers, Flathead Building Association
EXHIBIT(los50a02)

15:29:39 Linda Revenaugh, Southwest Montana Building Industry Association
15:32:39 Adam Hertz, Missoula
15:36:07 Sam Sill, Montana Association of Realtors
15:38:20 Patrick Webb, Americans For Prosperity Montana
15:38:44 Tom Murphy, chairman, Montana Building Industry Association Government Affairs committee
EXHIBIT(los50a03)

Opponents' Testimony:
15:40:51 John McDonald, City of Bozeman
15:44:32 SK Rossi, Missoula and Bozeman
15:47:08 Greg Dorrington, City of Billings
15:49:23 Allison Reinhardt, Montana Associated Students
15:50:13 Jack Rinck, Associated Students of the University of Montana
15:51:44 John Muhlfeld, mayor, City of Whitefish
15:55:45 Alanna Wulf, Big Sky 55+
15:57:42 Terry Cunningham, Bozeman City Commission
16:01:06 Karin Hilding, Whitefish
16:04:35 Kelly Lynch, Montana League of Cities and Towns; also speaking on behalf of the Montana Association of Counties
16:07:36 Kevin Gartland, Whitefish Chamber of Commerce

16:10:16 Robert Horne, Whitefish
16:14:16 Mayre Flowers, Montana Smart Growth Coalition
16:17:59 Jennifer James, American Institute of Architects, Montana Chapter
16:18:59 Rebecca Norton, Whitefish
EXHIBIT(los50a04)

Additional Testimony Received:
EXHIBIT(los50a05)

Informational Testimony:
16:22:23 Cheryl Cohen, Department of Commerce (DOC)

Questions from Committee Members and Responses:
16:23:08 Sen. Pope
16:24:08 Mr. Muhlfeld, Whitefish
16:25:29 Sen. Pope
16:25:53 Mr. Muhlfeld
16:26:34 Sen. Morigeau
16:27:21 Mr. McDonald, Bozeman
16:29:35 Sen. Pope
16:30:26 Ms. Cohen
16:32:33 Sen. Pope
16:33:31 Mr. Cunningham, Bozeman
16:35:07 Sen. Pope
16:35:45 Mr. Cunningham
16:36:40 Sen. Pope

Closing by Sponsor:
16:36:58 Rep. Vinton

ADJOURNMENT

Adjournment: 4:40PM

_____
Izmerai Alvarado, Secretary

ia

Additional Documents:

EXHIBIT(los50aad.pdf)

MINUTES

MONTANA SENATE
67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Terry Gauthier, on March 15, 2021 at 3:00 PM, in Room 405 Capitol

ROLL CALL

Members Present in the room:

Sen. Terry Gauthier, Chair (R)
Sen. John Esp, Vice Chair (R)
Sen. Chris Friedel (R)
Sen. Shane A. Morigeau (D)

Members Present by Zoom Video Conference:

Sen. Ellie Boldman, Vice Chair (D)
Sen. Carlie Boland (D
Sen. Christopher Pope (D)

Members Excused:

Sen. Mark Blasdel (R)
Sen. Jason W. Ellsworth (R)
Sen. Steve Fitzpatrick (R)

Members Absent: None

Staff Present: Izmerai Alvarado, Committee Secretary
Toni Henneman, Legislative Branch
Monte Cole, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 269, 2/27/2021; HB 450, 2/27/2021; HB 496, 2/27/2021

Executive Action: HB 292 - Be Concurred In
HB 304 - Be Concurred In
HB 496 - Be Concurred In As Amended

EXECUTIVE ACTION ON HB 292

15:03:20 **Motion/Vote:** Sen. Esp moved that **HB 292 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Ellsworth and Sen. Fitzpatrick voted by proxy. Sen. Gauthier will carry the bill.

EXECUTIVE ACTION ON HB 304

15:03:59 **Motion/Vote:** Sen. Esp moved that **HB 304 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Ellsworth and Sen. Fitzpatrick voted by proxy. Sen. Fitzpatrick will carry the bill.

HEARING ON HB 496

Opening Statement by Sponsor:
15:04:55 Rep. Bill Mercer (R), HD 46, opened the hearing on HB496, Remove prohibitions on county board of appeals re: property use and zoning.
EXHIBIT(los51a01)

Proponents' Testimony:
15:07:58 Tara Depuy, Montana Association of Counties (MACo)
EXHIBIT(los51a02)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
15:10:38 Sen. Pope
15:11:19 Ms. DePuy, MACo
15:11:52 Sen. Esp

Closing by Sponsor:
15:12:18 Rep. Mercer

EXECUTIVE ACTION ON HB 496

15:13:22 **Motion:** Sen. Esp moved that **HB 496 BE CONCURRED IN**.

15:13:31 **Motion:** Sen. Esp moved that **HB 496 BE AMENDED**.
EXHIBIT(los51a03)

Discussion:
15:13:51 Sen. Pope
15:14:04 Toni Henneman, Legislative Services Division (LSD)

15:15:19 **Vote:** Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Ellsworth and Sen. Fitzpatrick voted by proxy.

15:15:45 **Motion:** Sen. Esp moved that **HB 496 BE CONCURRED IN AS AMENDED**.

Discussion:
15:15:58 Sen. Morigeau
15:16:31 Sen. Esp
15:16:37 Sen. Morigeau
15:16:58 Sen. Esp
15:17:51 Sen. Morigeau
15:18:17 Chair Gauthier
15:18:24 Sen. Morigeau
15:18:50 Ms. Henenman LSD
15:19:58 Tara DePuy, Montana Association of Counties (MACo)
15:21:51 Sen. Morigeau
15:22:12 Sen. Esp
15:22:24 Ms. DePuy, MACo
15:22:47 Sen. Esp
15:22:55 Sen. Morigeau

15:23:11 **Vote:** Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Ellsworth and Sen. Fitzpatrick voted by proxy. Sen. Esp will carry the bill.

HEARING ON HB 269

Opening Statement by Sponsor:
15:24:14 Rep. Ron Marshall (R), HD 87, opened the hearing on HB269, Require elected official approval of sanitation related local health board rules.

Proponents' Testimony:
15:26:34 Sam Sill, Montana Association of Realtors (MAR)

Opponents' Testimony: None

Informational Testimony:
15:38:53 Jim Murphy, Department of Public Heath and Human Services (DPHHS)

Questions from Committee Members and Responses:
15:30:33 Sen. Esp
15:30:59 Mr. Sill, MAR
15:31:25 Chair Gauthier
15:31:40 Mr. Sill
15:32:07 Sen. Boland
15:32:39 Rep. Marshall
15:33:31 Sen. Boland
15:33:46 Rep. Marshall
15:34:05 Mr. Sill
15:34:38 Sen. Pope
15:35:24 Rep. Marshall
15:35:52 Sen. Pope
15:36:40 Rep. Marshall
15:36:51 Sen. Morigeau

15:37:30 Mr. Sill
15:37:36 Sen. Morigeau
15:37:44 Mr. Sill
15:37:55 Sen. Morigeau
15:38:20 Mr. Sill
15:39:22 Sen. Pope
15:40:44 Mr. Murphy, DPHHS
15:41:21 Sen. Pope
15:41:56 Mr. Murphy
15:42:26 Sen. Esp
15:42:47 Mr. Murphy
EXHIBIT(los51a04)

15:43:15 Ms. Henneman

Closing by Sponsor:
15:44:24 Rep. Marshall

15:45:36 Recess
15:57:33 Reconvene

Committee Discussion:
15:57:32 Chair Gauthier
15:58:09 Sen. Boland
15:58:59 Sen. Esp
15:59:19 Toni Henneman, Legislative Services Division (LSD)
15:59:34 Sen. Boland
15:59:57 Chair Gauthier

16:00:17 Recess
16:06:55 Reconvene

16:06:57 Chair Gautheir
16:07:13 Sen. Esp
16:07:41 Chair Gauthier
16:07:57 Ms. Henneman, LSD
16:08:19 Chair Gauthier

HEARING ON HB 450

Opening Statement by Sponsor:
16:08:43 Sen. John Esp (R), SD 30, opened the hearing on HB450, for Rep. Steve Gunderson (R), HD 1, Provide that exempt divisions of land must meet zoning regulations.
EXHIBIT(los51a05)

Proponents' Testimony:
16:10:03 Sam Sill, Montana Association of Realtors
16:12:58 Tara DePuy, Montana Association of Counties (MACo)
EXHIBIT(los51a06)

Opponents' Testimony:
16:15:33 Mike Lapp, Montana Association of Registered Land Surveyors (MARLS)
EXHIBIT(los51a07)

Informational Testimony: None

Questions from Committee Members and Responses:
16:18:59 Sen. Pope
16:20:31 Mr. Lapp, MARLS
16:21:51 Sen. Esp
16:22:23 Ms. DePuy, MACo
16:23:30 Sen. Esp
16:24:28 Mr. Lapp

Closing by Sponsor:
16:25:03 Rep. Gunderson was unavailable to close on HB 450. Chair Gauthier recessed the hearing until 03/24/2021.

ADJOURNMENT

Adjournment: 4:25 PM

_____
Izmerai Alvarado, Secretary

ia

Additional Documents:

EXHIBIT(los51aad.pdf)